Appl. No. 09/921,282
Amdt. dated March 5, 2004
Reply to Office Action of December 8, 2003

PATENT

REMARKS/ARGUMENTS

Upon entry of this amendment, which amends claims 1, 8, and 14, and adds new claims 20-35, claims 1-35 will be pending. In the Office Action, the specification was objected to for failing to provide proper antecedent basis for the claimed subject matter; claims 1 and 8 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement; claims 1 and 8 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly the subject matter which Applicants regard as the invention; claims 1, 3-13, and 15-19 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Bowman-Anuah (U.S. Patent No. 6,661,867, hereinafter (Bowman"); and claims 2 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bowman in view of Wetzel (U.S. Patent No. 6,388,990, hereinafter "Wetzel").

The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter. In claim 14, the term "Very High Bandwidth DSL" has been amended to be "Very High bit rate DSL". Applicants submit that the specification does provide proper antecedent basis for the claimed subject matter.

The disclosure was objected to because of the following informalities:

Paragraph 51, line 7 discloses "DLSLAM". Applicants have amended paragraph 51, line 7 to read "DSLAM". Applicants respectfully request withdrawal of the objection to the specification.

Section 112 Rejections

Claims 1 and 8 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The rejection asserted that a logical inventory is not described in the specification sufficiently to enable one skilled in the art to limit the claims. The objection further states how the physical network inventory differentiates from the logical virtual inventory and the planned inventory is not defined in the specification and further how the logical inventory is to be self-discovered is not described in the specification.

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The logical inventory is described, among other places in the specification, at paragraph 44, which states a logical or virtual inventory of the network includes installed virtual paths and assignments. Further, a planned logical inventory is described in paragraphs 46-48. Applicants submit that a person skilled in the art would be able to ascertain what a logical inventory is based on the description in the specification. Also, the physical network inventory includes the installed physical inventory from the physical network. See specification, paragraph 43. The planned inventory includes inventory that is planned. For example, what was thought to be built. *See specification*, paragraph 60. The physical network inventory and logical or virtual network inventory is self-discovered and it represents what was actually built. *See specification*, paragraph 60. The physical network inventory and logical network inventory is self-discovered by intelligent network elements. Thus, the self-discovered physical or virtual or logical network inventory is not a planned network inventory but what was actually built. *See specification*, paragraphs 43, 44, 61. Accordingly, Applicants submit that the subject matter described in claims 1 and 8 is described sufficiently in the specification to enable a person skilled in the art to practice the invention.

Claims 1 and 8 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The rejection asserts a logical network inventory is indefinite and not defined in the specification. And as described above, a logical network inventory has been described in the specification and a person skilled in the art would understand what a logical network inventory is and how it is used in claims 1 and 8.

The rejection also asserts that there is insufficient antecedent basis for the limitation in claims 1 and 8 "a synchronized physical network inventory". The rejection states that it is unclear as to whether each inventory is viewed or only the requested network element inventory is. Applicants have amended claims 1 and 8 to read the synchronized physical network inventory and the synchronized logical network inventory. Applicants submit that the claim now complies with the requirements of Section 112.

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Section 102 Rejections

Claim 1 was rejected under 35 U.S.C. § 102(e) as being anticipated by Bowman. Applicants submit that Bowman does not disclose or suggest every element of claim 1, as amended. For example, Bowman does not disclose or suggest self-discovering a physical network inventory or self-discovering a logical network inventory using network elements. Further, Bowman does not disclose or suggest synchronizing a physical network inventory, a logical network inventory, a planned network inventory into the network element inventory to determine any differences between the physical network inventory and the logical network inventory with the planned network inventory. Moreover, Bowman does not disclose or suggest creating one or more views where any differences between the physical network inventory and the logical network inventory with the planned network inventory are used to determine the view.

Bowman does not disclose or suggest self-discovering a physical network inventory using network elements. Nowhere in Bowman is a physical network inventory self-discovered using network elements. There is no indication that network elements are used to self-discover an inventory of physical elements. Rather, performance of the network is monitored and network problems are determined in Bowman. Also, the rejection asserts that a self-discovered physical network inventory disclosed on col. 71, line 57-col. 72, line 7. Applicants submit that this does not disclose or suggest self-discovering a physical network inventory. Rather, the passage cited discloses work orders and requests. There is no indication that the work orders or requests are self-discovered.

Bowman does not disclose or suggest self-discovering a logical network inventory using network elements. Nowhere in Bowman is a logical network inventory self-discovered using network elements. There is no indication that network elements are used to self-discover an inventory of logical elements. Rather, performance of the network is monitored and network problems are determined in Bowman. Also, the rejection asserts that self-discovering a logical network inventory is disclosed at col. 71, lines 22-31. The Office Action states that "capacity available from network inventory" discloses a self-discovering a logical network inventory. The phrase "capacity available from network inventory" does not disclose or suggest that a logical

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inventory is self-discovered. There is no indication as to how the network capacity available is determined. Also, the network capacity does not disclose or suggest self-discovering a logical network inventory.

Bowman does not disclose or suggest synchronizing a physical network inventory, a logical network inventory, a planned network inventory into the network element inventory to determine any differences between the physical network inventory and the logical network inventory with the planned network inventory. Bowman compares network performance data to determine when thresholds are exceeded. *See Bowman*, col. 56, lines 3-10. This does not disclose or suggest the above synchronizing step. Also, the rejection asserts that synchronizing the physical network inventory, logical network inventory, and planned network inventory disclosed as re-configuration of the network" at col. 71, lines 49-52 and col. 56, lines 3-67. The cited passage at col. 71, lines 49-52 does not disclose or suggest synchronizing the physical network inventory, logical network inventory, and planned network inventory to determine any differences between a physical network inventory and logical network inventory with the planned network inventory. There is no indication that any synchronization is performed to determine any differences. Further, the passage cited at col. 56, lines 3-67 does not disclose or suggest a synchronizing step. Rather, the passage discloses monitoring when thresholds are exceeded to determine if the surface levels have been breached. The passage does not disclose or suggest a physical network inventory, a logical network inventory, or a planned network inventory, and further does not disclose or suggest determining any differences between them.

Bowman also does not disclose or suggest creating one or more views where any differences between the physical network inventory and the logical network inventory with the planned network inventory are used to determine the view. Nowhere in Bowman is it disclosed or suggested that any differences between a self-discovered physical network inventory and a self-discovered logical network inventory with the planned inventory are taken into account.

Accordingly, Applicants respectfully request withdrawal of the rejections of claim 1. Claims 2-7 depend from claim 1 and thus derive patentability at least therefrom.

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Claim 8 was rejected under 35 U.S.C. § 102(e) as being anticipated by Bowman. Applicants submit that Bowman does not disclose or suggest every element of claim 8, as amended. For example, Bowman does not disclose or suggest:

> self-discovering a physical network inventory using network elements of the video and data network;
> self-discovering a logical network inventory using network elements of the video and data network;
>
> ...
>
> synchronizing the physical network inventory, logical network inventory, and planned network inventory in the network element inventory to determine any differences between the physical network inventory and the logical network inventory with the planned network inventory;
> creating one or more views of the network element inventory using at least one of the synchronized physical network inventory, the synchronized logical network inventory, and the planned network inventory for the one or more operation systems, wherein the one or more views are created based on if any differences between the physical network inventory and the logical network inventory with the planned network inventory are determined.

Accordingly, Applicants respectfully request the withdrawal of the rejection of claim 8. Claims 9-19 depend from claim 8 and thus derive patentability at least therefrom. Accordingly, Applicants respectfully request withdrawal of the rejections of claims 9-19.

New claims 20-35

Applicants submit the cited references do not disclose or suggest every element of new claims 20-35. Accordingly, Applicants respectfully request a notice of allowability for new claims 20-35.

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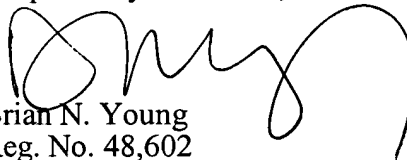Amdt. dated March 5, 2004
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CONCLUSION

In view of the foregoing, applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

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